

### **DETAILED ACTION**

This is in response to the "Appeal Brief" filed on 11/27/2009.

#### ***Status of Claims***

Claims 2-3 are cancelled and claims 1 and 4-13 are pending in application.

#### ***Status of the Previous Rejection***

Previous rejection of claims 1 and 12 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn in view the "Pre-Brief Appeal Conference decision" marked 8/27/2009.

Upon reconsideration, the final rejection for claims 1 and 4-13 under USC 103 (a) as being unpatentable over JP04000353 A (JP'353) in view of JP2002-317255 (JP'255) is withdrawn in view of the arguments in the "Appeal Brief" filed on 11/27/2009 and following amendment.

The final rejection for claim 6 under USC 103 (a) as being unpatentable over JP04000353 A (JP'353) in view of JP2002-317255 (JP'255) and further in view of JP07-041897 (JP'897) is withdrawn in view of the arguments in the "Appeal Brief" filed on 11/27/2009 and following amendment.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Terryence F. Chapman 2/17/2010. The application has been amended as follows:

Claim 6. (cancelled).

Claim 7. (cancelled).

Claim 9. (cancelled).

Claim 10. (cancelled).

Claim 12. (cancelled).

Claim 13. (cancelled).

#### ***Allowable Subject Matter***

Claims 1 and 4, 5, 8, and 11 are allowed, wherein claim 1 is an independent claim.

The following is an examiner's statement of reasons for allowance:

The recorded prior art JP'353 teaches a process of extruding an aluminum alloy with alloying ranges of Si, Mg, Cu, and Mn that substantially overlaps the alloy composition in the instant claims. JP'353 teaches process steps of homogenizing, cooling, extruding, solution heating, and aging processes. The second prior art JP'255 teaches a flow guide is used during said extrusion, and is placed at the front of the solid die. JP'255 further teaches an inner circumferential surface is separated from an outer circumferential surface with the bearing of the solid die at a distance of  $A \geq 20\text{mm}$ .

However, JP'353 in view of US'255 does not specify the flow guide is provided in front of the solid die, an inner circumferential surface of a guide hole of the flow guide being separated from an outer circumferential surface of an orifice which is continuous with the bearing of the solid die at a distance of 5-15mm. The Applicant has provided "132 declaration" filed on 10/22/2007 to provide an evidence that a distance of flow guide range from 9 to 15mm is critical to the instant invention. In the declaration, the applicant provides compared data for the inner circumferential surface of the guide hole of the flow guide being separated from an outer circumferential surface of the orifice which is continued with the bearing of the solid die was set at a distance of 4mm, 5mm, 9mm, 12mm, 15mm, and 17mm. When the flow guide was set to 17mm, the end of the former billet was cut and when the flow guide was set to 4mm, the strength of the alloy is low. The arguments in the Appeal Brief filed on 11/27/2009 in view of the "132 declaration" filed on 10/22/2007 are persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delay, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on statement of Reason for Allowance".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY

/Roy King/

Supervisory Patent Examiner, Art Unit 1793